

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

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|--------------------------|---|----------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 18-00109-CR-W-HFS |
| |) | |
| SEAN A. WINSTON |) | |
| |) | |
| Defendant. |) | |

ORDER

After making an independent review of the record and the applicable law, Magistrate Judge John T. Maughmer determined that the defendant is not currently competent to proceed. A competency hearing was conducted on September 13, 2018, and Judge Maughmer considered the forensic evaluation of Dr. Jessica Micono, Psy.D in a Report and Recommendation dated August 6, 2018. Doc. 23.

To-date, no objections to the Report and Recommendation have been filed, and the time in which to do so has expired. Thus the findings and conclusions in the Report and Recommendation (Doc. 26) are ADOPTED by the undersigned.

Further:

THE COURT HEREBY FINDS by a preponderance of the evidence that defendant is presently suffering from a mental disease or defect to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his own defense.

THE COURT HEREBY ORDERS that the defendant is committed to the custody of the Attorney General for hospitalization and treatment in a suitable facility pursuant to 18 U.S.C. § 4241(d), for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial likelihood that in the foreseeable future the defendant will attain the capacity to permit the trial to proceed.

THE COURT FURTHER ORDERS that if it is determined by the director of the facility where the defendant is hospitalized (“director”) that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, the director shall promptly file a certificate to that effect with the clerk of this court.

THE COURT FURTHER ORDERS that upon the filing of such a certificate by the director, counsel for the parties shall immediately notify the court in writing

by way of a written status and shall arrange for a date for the parties to appear in
court

/s/ Howard F. Sachs
HOWARD F. SACHS
United States District Judge

Dated: October 1, 2018
Kansas City, Missouri

